

Remarks/Arguments:

Applicant has amended claims 1, 3, 4, 13, 17, 18 and added new claims 19-21. Claims 1-21 are pending.

Telephone Interview

Applicant acknowledges with appreciation the courtesies extended by Examiner Novosad to Applicant's counsel, Daniel N. Calder, at a telephone interview on June 23, 2006. That telephone interview prompted the Examiner's filing of a Supplemental Office Action issued June 29, 2006. It is to that Supplemental Office Action that this Amendment replies.

Objection to Specification

The Abstract has been objected to because of the term "means" used therein. Applicant has amended the Abstract to overcome this objection.

Claim Rejections Under §112

Claims 3, 4, 13, 14, 17 and 18 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for reasons set forth in numbered paragraph 2 of the Office Action.

Applicant has amended claims 3, 4, 13, 14, 17 and 18 and has added new claims 19-21 to overcome the basis for the §112 rejection. Applicant respectfully submits that all pending claims are in full compliance with §112.

Claim Rejections Under §102

Claims 1-9 and 15 stand rejected under 35 U.S.C. §102(b) as being anticipated by German reference '522. Applicant respectfully traverses this §102(b) rejection.

The rejection, at least in part, relies on the International Search Report and identifies certain figures and certain portions of the German reference '522. The Applicant points out, however, that the International Search Report states that the subject-matter of Applicant's claimed invention "differs from" the gearbox in the German reference '522, which Applicant further elaborates on below.

Claim 1 is an independent claim to which claims 2-21 depend, either directly or indirectly. Claim 1 is directed to a gearbox for transmission systems in devices for measuring materials and includes the following features:

- a pair of shafts, including a drive-input shaft and a drive-output shaft, respectively, provided on the drive-output shaft at least one pair of coaxial freewheels, on each of which an end of a respective linkage carrying a movable fulcrum means is active, the opposite end of each linkage being driven with a reciprocating oscillatory motion about the fulcrum means by an eccentric device provided on the drive-input shaft in order to convert the reciprocating oscillatory motion in an intermittent rotary motion of each freewheel to bring about a rotary motion of the drive-output shaft in a preselected direction of rotation,
- the drive-input shaft including at least one pair of cranks with eccentric pins, and each linkage including a respective connecting-rod element having a first end connected kinematically to the corresponding freewheel and a second, opposite end articulated on the respective pin of the drive-input shaft with a capability for rotary and translational movement relative to the pin,
- the moveable fulcrum means including, for each connecting-rod element, a respective fulcrum pin, each fulcrum pin being moveable, in adjustable manner, between the first end and second end of the connecting-rod element so as to define different lever arms between said ends and to adjust a transmission ratio between the drive-input shaft and the drive-output shaft of the gearbox, and
- **each fulcrum pin has a first end restrained on a stationary structure of the gearbox and an opposite second end restrained on the corresponding connecting-rod element to constitute the center of the rotation of said connecting-rod element during the reciprocating oscillatory motion relative to the drive-input shaft, said first end of the fulcrum pin being guided slidably in a wall of a casing constituting a gearbox housing and the second end of said fulcrum pin being engaged rotatably and slidably in a seat formed in the corresponding connecting-rod element.**

It is applicant's contention that the gearbox defined by claim 1 is patentably distinguished from the German reference '522 at least based on the requirement that each fulcrum pin has a first end restrained on a stationary structure of the gearbox and an opposite

second end restrained on the corresponding connecting-rod element to constitute the center of the rotation of said connecting-rod element during the reciprocating oscillatory motion relative to the drive-input shaft, said first end of the fulcrum pin being guided slidably in a wall of a casing constituting a gearbox housing and the second end of said fulcrum pin being engaged rotatably and slidably in a seat formed in the corresponding connecting-rod element. This element of claim 1 is hereinafter generally referred to as the "Fulcrum Pin Feature" of Applicant's claimed invention. The Fulcrum Pin Feature is neither taught nor suggested in the German reference '522 and is therefore patentably distinguishes claim 1 from this reference.

The German reference '522 shows in the drawings an oscillating support D ("Schwinglager D") being pivotably mounted in the arm F ("Schwinge F"), and the arm being articulated at the end pin L ("Zapfen L"). Thus, the fulcrum pin of the connecting rod C ("Kurbelstange C") is moved oscillating about the axis pin L (see figures 1 and 2) of the German reference '522. Thus, this reference does not teach the Fulcrum Pin Feature as defined in Applicant's claimed invention.

The specification of the German reference '522 discloses that the oscillating support D may also be a moveable base support (see page 2, lines 111-112 --- "Es kann aber auch ein verschiebbarer Lagersockel sein"). Even assuming the term "verschiebbarer" in the meaning of a "slidable engagement," the German reference '522 fails to disclose any accommodation of the fulcrum pin in the gearbox housing as defined in Applicant's claimed invention.

Based on the foregoing remarks, Applicant respectfully submits that claim 1 is patentably distinguished from the German reference '522. Claims 2-21 are dependent on claim 1 and therefore include the Fulcrum Pin Feature of Applicant's claim 1 and at least on this basis are patentably distinguished from the German reference '522.

Claims 1-9 and 15 stand rejected under 35 U.S.C. §102(b) as being anticipated by the German reference '030. Applicant respectfully traverses this §102(b) rejection.

Applicant notes that the Examiner rejects independent claim 1 "in view of the International Search Report" and goes on to identify in the rejection certain figures and portions of the disclosure. However, Applicant points out that the International Search Report finds that the German reference '030 is less relevant than the above-discussed German reference '522. From Applicant's review of the drawings of the German reference '030, Applicant does not find any teaching or suggestion of the Fulcrum Pin Feature of Applicant's claimed invention. Thus, at least based on this Feature, it is Applicant's contention that claim

1, as well as dependent claims 2-21, are patentably distinguished from the German reference '030.

Claims 1, 8, 9, 15 and 18 stand rejected under 35 U.S.C. §102(b) as being anticipated by German reference '819. Applicant respectfully traverses this §102(b) rejection.

Applicant notes that the rejection based on the German reference '819 is also "in view of the International Search Report." As pointed out in the International Search Report, the German reference '819 is not as relevant as the above-discussed German reference '522. From Applicant's understanding of the German reference '819 from the drawings, there is simply no teaching or suggestion of the Fulcrum Pin Feature defined in Applicant's claim 1 to which claims 1-21 depend. Concurrent with the filing of this Amendment, Applicant is also filing a Supplemental Information Disclosure Statement directed to the German reference '819. From the English abstract attached to the Supplemental Information Disclosure Statement, there is no teach or suggestion of the Fulcrum Pin Feature of Applicant's claimed invention. In view of the lack of such teaching, Applicant respectfully submits that claims 2-21 are neither anticipated nor suggested by the German reference '819.

Based on the foregoing remarks, Applicant requests that the §102(b) rejections be withdrawn and claims 1-21 found to be in condition for allowance.

New Claims 19-21

Applicant respectfully submits that new claims 19-21 are included as a result of amendments to claims 13, 17 and 18. These newly added claims are not the addition of new matter.

Allowable Subject Matter

Applicant acknowledges with appreciation the Examiner's finding that claims 10-12 and 16 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. In addition, Applicant acknowledges with appreciation the Examiner's finding that claims 13 and 14 would be allowable if rewritten to overcome the objection under §112, second paragraph and to include all of the limitations of the base claim and any intervening claims.

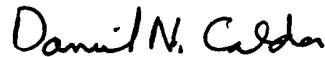
But there is no need to amend the above-noted claims in order to place them in condition for allowance because these claims are either directly or indirectly dependent on claim 1 which is itself in condition for allowance.

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In view of the foregoing remarks and amendments, Applicant respectfully submits that claims 1-21 are condition for allowance. Reconsideration and allowance of all pending claims are respectfully submitted.

Respectfully submitted,



Daniel N. Calder, Reg. No. 27,424
Attorney for Applicant

DNC/jal

Attachment: Abstract

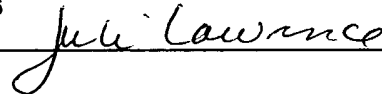
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P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

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SEPTEMBER 1, 2006



Juli Lawrence